

SUPER LAW GROUP, LLC

April 26, 2023

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Regional FOIA Officer
U.S. EPA, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Re: **FOIA Request** – Long Island, Suffolk County, Town of Babylon, Incorporated Village of Babylon, Babylon Town Park: Suffolk County District 0102, Section 00900, **Tax ID Block 0100, Lots 002000, 028000, and 034000.**

Greetings,

I write to request access to records in the possession of the U.S. Environmental Protection Agency (“EPA”) for the purpose of inspection and copying pursuant to the U.S. Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

Please provide me with all records and communications in the possession of EPA produced since January 1, 2018 related to water pollution, wetlands, or coverage under a National Pollutant Discharge Elimination System (NPDES) permit relating to the following locations along Carlls River, Babylon Village: Suffolk County Tax ID Block 0100, Lots 002000, 028000, and 034000. A large portion of these lots is associated with Babylon Town Park between Park Avenue and Trolley Line Road, which may also be known as Locust Avenue Park and/or the Babylon Village Dog Park.

Accordingly, this request for permit records includes:

- Any applications for permit coverage or Notices of Intent to be covered under a general permit associated with operations upon Block 0100, Lots 002000, 028000, and 034000, including the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity and/or the General Permit for Stormwater Discharges Associated with Construction Activity;
- Any applications for wetlands permits and/or requests for jurisdictional determinations under CWA Section 404 associated with Block 0100, Lots 002000, 028000, and 034000 (if in the possession of EPA);
- Any copies of any individual permit for any operation relating to water pollution or wetlands upon Block 0100, Lots 002000, 028000, and 034000;
- Any filings required under any permit associated with operations upon Block 0100, Lots 002000, 028000, and 034000, including discharge monitoring reports, annual certification reports, and any reports of non-compliance, if in the possession of EPA;

- Any documents or other records of any kind related to enforcement actions taken with respect to Block 0100, Lots 002000, 028000, and 034000, including but not limited to any lawsuits, inspection reports, consent orders, agreements, notices of violation, reports of non-compliance, etc.;
- Any records of correspondence of any kind (letter, e-mail, fax, etc.) between EPA and the Town of Babylon and/or the Village of Babylon related to Block 0100, Lots 002000, 028000, and 034000;
- Any correspondence from the public, such as complaints, related to water pollution or other impacts on water or wetlands located on Block 0100, Lots 002000, 028000, and 034000;
- Any analyses, studies, and/or reports relating to the filling of wetlands located on Block 0100, Lots 002000, 028000, and 034000;
- Any communications with the New York State Department of Environmental Conservation (“DEC”) or with the United States Army Corps of Engineers relating to occupation of or operations upon wetlands at Block 0100, Lots 002000, 028000, and 034000.

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In connection with this FOIA request, I would also like to ask the following:

(1) If there are any records responsive to this request that can be emailed to me in electronic form, please do so. My email address is fishman@superlawgroup.com.

(2) If there are any records that are in electronic form but cannot be emailed, please let me know whether they can be copied onto a data stick and sent to me via U.S. Mail.

(3) If there are any records responsive to this request that cannot be emailed to me or copied onto a data stick and sent to me via U.S. Mail, please contact me and let me know how many pages the remaining documents encompass and any charge for those pages.

(4) We represent a not-for-profit organization and would appreciate a fee waiver. If fees are to be assessed and exceed \$100, please notify us so that we can provide any additional information necessary to support this request for a fee waiver.

(5) If for any reason any portion of my request is denied, please provide a log of the records being withheld, inform me in writing, with respect to each such record, the reasons for the denial, and provide the name, address and email address of the person or body to whom an appeal should be directed.

(6) If there is any confusion about any of the requests, please contact me as soon as possible so that I may clarify my request.

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I hope that you will be able to provide me with the requested materials at the earliest possible date. If there is anything I can do to facilitate this request, do not hesitate to contact me.

Thank you for your assistance.

Sincerely,

/s/ Ben Fishman

Ben Fishman

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